

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BANK OF AMERICA, N.A.,

Case No.: 2:15-cv-01024-APG-GWF

Plaintiff

Order Setting Briefing Schedule for Supplemental Briefs

V.

**WOODCREST HOMEOWNERS
ASSOCIATION and 6541 PLEASANT
PLAINS WY TRUST,**

Defendants

[ECF No. 69]

Plaintiff Bank of America, N.A. sues to determine whether its deed of trust still
members property located at 6541 Pleasant Plains Way in Las Vegas, Nevada, following a non-
al foreclosure sale conducted by the homeowners association (HOA), defendant Woodcrest
owners Association (Woodcrest). Defendant 6541 Pleasant Wy Trust (Trust) purchased
roperty at the HOA foreclosure sale.

The parties have moved for summary judgment. While those motions were pending, of America moved for leave to file supplemental authority, specifically the Supreme Court of Nevada’s decision in *Bank of America, N.A. v. Thomas Jessup, LLC Series VII*, 435 P.3d 1220 (Nev. 2019). *Jessup* held that Bank of America’s offer to pay the superpriority debt, combined with evidence that the HOA’s foreclosure agent would have rejected tender, failed to cure the superpriority portion of the HOA lien. The foreclosure agent’s letter in question appears to be identical to the letter sent by Woodcrest’s foreclosure agent in this case. See *id.* at 1218 with ECF No. 56-8 at 4. The Trust does not oppose the motion for leave to file supplemental authority so long as it has a chance to respond (although it did not attach a proposed response to its opposition).

1 Because *Jessup* may be dispositive, I grant the parties leave to file supplemental briefs
2 addressing *Jessup*'s application to this case. The parties' briefs shall be limited to five pages and
3 may address only the impact *Jessup* may have on this case. To the extent the Trust intends to
4 argue this case does not have similar testimony from Rock Jung or Kelly Mitchell, the parties
5 must address whether additional discovery is necessary on this point and whether there is any
6 likelihood that the testimony of these witnesses would be different in this case than it was in
7 *Jessup*.

8 IT IS THEREFORE ORDERED that plaintiff Bank of America, N.A.'s motion for leave
9 to file supplemental authority (**ECF No. 69**) is **GRANTED**.

10 IT IS FURTHER ORDERED that the defendants may file response briefs regarding the
11 impact of *Jessup* on this case on or before August 2, 2019. The plaintiff may file a reply brief on
12 or before August 9, 2019. The briefs may not exceed five pages each.

13 DATED this 23rd day of July, 2019.

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16 ANDREW P. GORDON
17 UNITED STATES DISTRICT JUDGE
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